

**REMARKS**

**INTRODUCTION:**

In accordance with the foregoing, claims 1 and 5-8 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-10 are pending and under consideration. Reconsideration is respectfully requested.

**ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:**

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because:

- (a) it is believed that the amendments of claims 1 and 5-8 put this application into condition for allowance;
- (b) the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;
- (c) the amendments of claims 1 and 5-8 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or
- (d) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." ( Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

**REJECTION UNDER 35 U.S.C. §103:**

In the Office Action, at pages 2-7, numbered paragraphs 2-7, claims 1-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Glass et al. (USPN 6,629,128 B1; hereafter Glass) and further in view of Dugan et al. (USPN 6,425,005 B1; hereafter, Dugan '005). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The

rejection is traversed and reconsideration is requested.

Independent claims 1 and 5-8 have been amended.

It is respectfully submitted that independent claims 1, 5, 6, 7 and 8 have been amended to show more clearly differences between Glass and/or Dugan '005 with respect to the present invention. In particular, independent claim 1 has been amended to recite:

An object reference generating device comprising:

a request receiving unit which receives a request from an apportioning server, initially sent by a client connected via a network, to acquire an object reference for receiving a distribution of a naming service in CORBA,

wherein the apportioning server has determined whether an arrival IP address is an apportioning IP address, and if the result is negative, establishes a connection with the arrival IP address, and if the result is positive, distributes the load to a server having a lightest load in comparison with other servers;

a generating unit which generates the object reference of the naming service in a hot standby environment by dynamically setting address information contained in the object reference in accordance with connection information at a time of the request,

and independent claims 5, 6, 7 and 8 have been amended in similar fashion.

It is submitted that neither Glass nor Dugan '005 recites or suggests the above-cited object reference generating device, method or computer readable recording medium on which is recorded an object reference generating program for performing said method on a computer, wherein an apportioning server is utilized to determine whether an arrival IP address is an apportioning IP address, and if the result is negative, establishing a connection with the arrival IP address, and if the result is positive, distributing the load to a server having a lightest load in comparison with other servers.

Thus, independent claims 1, 5, 6, 7, and 8 are submitted to be patentable under 35 U.S.C. §103(a) over Glass et al. (USPN 6,629,128 B1) and further in view of Dugan et al. (USPN 6,425,005 B1). Since claims 2, 3, 4, 9 and 10 depend from amended claims 1 and 5, respectively, claims 2, 3, 4, 9 and 10 are submitted to be patentable under 35 U.S.C. §103(a) over Glass et al. (USPN 6,629,128 B1) and further in view of Dugan et al. (USPN 6,425,005 B1) for at least the reasons that amended claims 1 and 5 are patentable under 35 U.S.C. §103(a) over Glass et al. (USPN 6,629,128 B1) and further in view of Dugan et al. (USPN 6,425,005 B1).

#### **CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered

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at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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